

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY JACOB WESLEY,

Defendant.

Case No. 2:16-CR-00105-RSL

ORDER DENYING MOTION
TO TERMINATE
SUPERVISED RELEASE

This matter comes before the Court on defendant's "Motion to Terminate Supervised Release." Dkt. # 38. The Court, having reviewed the motion, response, and files herein, DENIES defendant's motion.

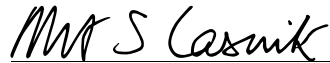
Defendant pleaded guilty to one count of sexual abuse and was sentenced to 60 months of imprisonment followed by ten years of supervised release. Dkt. # 36. In November 2019, the defendant was assaulted in custody and sustained a serious head injury. As a result, the Bureau of Prisons granted the defendant early conditional release and his term of supervised release started on April 1, 2020. Since then, the defendant obtained employment as a commercial fisherman and has generally been compliant with his terms of supervised release except for completing sexual offender treatment. He now seeks termination of supervised release to fish in Alaska and California, thereby increasing his opportunities for employment.

After consideration of the factors set for in 18 U.S.C. § 3553(a), the Court finds no reason to terminate supervised release. 18 U.S.C. § 3583(e); *see United States v. Emmett*, 749

1 F.3d 817, 819 (9th Cir. 2014). While the defendant has been generally compliant with his terms
2 of supervised release, he failed to complete sexual offender treatment and has completed less
3 than four years of his ten-year term. However, the Court appreciates the importance of
4 continuing employment and will allow the defendant to fish outside of Washington State waters
5 on condition that the defendant coordinates with his Probation Officer with a travel request and
6 safety plan established to the satisfaction of the Probation Officer.
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8 For all the foregoing reasons, defendant's motion to terminate supervised release (Dkt. #
9 38) is DENIED, but the Court MODIFIES conditions of supervised release as described above.
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11 DATED this 5th day of February 2024.
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16 Robert S. Lasnik
17 United States District Judge
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